

TC05-057
Exhibit 1

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MAR 31 2005

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

MCLEOD USA TELECOMMUNICATIONS
SERVICES, INC.

Plaintiff,

v.

QWEST CORPORATION AND
QWEST COMMUNICATIONS
CORPORATION,

Defendant.

)
) CASE NO. 1:05-cv-00039-MWB
)
)
)
) **REPORT TO COURT**
) **REGARDING TRANSFER OF**
) **ACTION TO UNITED STATES**
) **DISTRICT COURT FOR THE**
) **DISTRICT OF COLORADO**
)
)
)

**REPORT TO COURT REGARDING TRANSFER OF ACTION TO UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF COLORADO**

As requested by this Court during the March 30, 2005 telephonic hearing on Defendant Qwest's Motion to Stay or Dismiss, Qwest submits the following Report on its position regarding transfer to the United States District Court for the District of Colorado:

1. Qwest and McLeod are currently subject to the terms of the temporary restraining order ("TRO") issued by this Court on March 23, 2005. This TRO is scheduled to expire on April 12, 2005.
2. Through its Motion to Stay or Dismiss filed with this Court on March 24, 2005, Qwest has requested that this action be dismissed or stayed pursuant to the ruling of the United States District Court for the District of Colorado in Qwest's first-filed parallel action, Civil Action No. 05-WM-506-OES.
3. In the March 30, 2005 telephonic hearing on Qwest's Motion to Stay or Dismiss, this Court requested Qwest's position on the following issue: whether, if this Court decides to

transfer this action to the District of Colorado, Qwest agrees to let the TRO issued by this Court on March 23, 2005 to remain in effect until the TRO is modified, extended, or rescinded by the Colorado court.

4. Through this Report, Qwest agrees that, if this Court stays this action or transfers this action to the District of Colorado, the TRO issued by this Court on March 23, 2005 will remain in effect until the TRO is modified, extended, or rescinded by the District of Colorado. Qwest also requests that, as a condition of this agreement, Plaintiff McLeodUSA be required to cooperate with Qwest and to use its best efforts to ensure that a hearing on the existing TRO is quickly and expeditiously scheduled in the Colorado court.

Respectfully submitted,

/s/ Amy L. Benson

Date: March 30, 2005

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 30, 2005, the foregoing instrument was electronically filed with the Court using the CM/ECF system and served upon all parties to the above case and/or to each of the attorneys of record herein at their respective addresses disclosed on the pleadings:

By: Electronic Service **AND/OR**

By: X U.S. Mail FAX
 Hand Overnight
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/s/ Amy M. Omvig

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